

**WOODS CROSS PLANNING COMMISSION MEETING
JUNE 9, 2015**

MEMBERS PRESENT:

Leo Beecher, Chairman
Dan Bradford
Brent Page

Gary Sharp
Matt Terry

MEMBERS EXCUSED:

Curtis Poole
Jennifer Bassarear

STAFF PRESENT:

Tim Stephens, Community Development Director
Bonnie Craig, Secretary

VISITORS:

Dave Kiley
Dave Sparks
Lois Schrader
Don Schrader
Andrew Langdon

PLEDGE OF ALLEGIANCE:

Leo Beecher

APPROVAL OF MINUTES

The Commission reviewed the minutes of the Planning Commission meeting held May 26, 2015. After their review, Commissioner Bradford made a motion to approve the minutes as written with Commissioner Terry seconding the motion and the motion carried.

OPEN SESSION

Chairman Beecher then opened the meeting to public comments regarding items that were not on the agenda.

Mr. Andrew Langdon appeared before the Commission. Mr. Langdon said he had a complaint against Toyota of Bountiful Auto Dealership and wanted to express it to the Planning Commission in hopes that they would be able to help him with it. He said that the Toyota dealership has a PA system and it is very, very loud. He says he lives east of the dealership, across the highway and then near the cemetery. He says he lives quite a distance from the dealership but he can hear announcements over the PA system because of how loud it is. He said they make announcements after 10:30 at night and even as late as midnight. He said he would like the dealership to at least turn down the volume but was told there was no volume control for the PA system. Mr. Langdon said he has spoken with Woods Cross police on many occasions so that his complaints could be on the record. Mr. Langdon also said he has spoken with LeGrande

**OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION MEETING
JUNE 9, 2015
PAGE 2**

Blackley, the city's Code Enforcement Officer, and Mr. Blackley was working with Mr. Langdon on the problem, but there had been no changes yet. He also said he has spoken with the General Manager of the dealership about the loud PA system but has had no success in making things better. Mr. Langdon was told by the General Manager there was no volume control for the PA system. Mr. Langdon went on to say he has lived in his home for 18 years and he has not had problems like this in previous years when the dealership was under different ownership. He also said that there are no problems from the Honda dealership which is closer to his home and owned by the same people as the Toyota dealership.

Mr. Stephens, the Community Development Director, said he had spoken with Mr. Blackley and he was sending the Toyota dealership a letter stating they must do something to mitigate the problem or risk having the case sent to the city prosecutor for action. It was also suggested that it might be helpful for Mr. Langdon to get some letters from other neighbors who are experiencing the same problem so it can be documented.

Mr. Langdon thanked the Commission for their time and help and said he would move forward with the suggestions from the Planning Commission.

There were no other items for the open session and Chairman Beecher closed the open session.

DIESELSELLERZ CONDITIONAL USE REQUEST—1955 SOUTH REDWOOD ROAD—DAVE SPARKS

Chairman Beecher said he would like to discuss this item and the next item on the agenda together as they directly relate to one another. The other item that would be discussed would be the B&W Auto Sales conditional use request located at the same address with the same individual representing the item.

Mr. Stephens reviewed the two items with the Commission. He noted that approximately a year ago the Planning Commission had approved a conditional use permit for both Dieselsellerz.com and B&W Auto to operate in a different location. He said the two businesses were expanding and needed to move to another location and therefore would need new conditional use permits. Mr. Stephens noted that Dieselsellerz is basically an on-line classified truck sales website. The previously approved conditional use permit for the business did not involve any on-site vehicles or sales. B&W Auto is an auto sales business which purchases, cleans-up or repairs the vehicles prior to them being delivered to the buyers. He also noted that it was his understanding that both Dieselsellerz and B&W Auto will be making a reality TV show involving their activities. Mr. Stephens also said that both the building official and South Davis Metro Fire District Fire Marshalls are presently working with Mr. Sparks regarding modifications to the building to ensure compliance with fire and building codes.

The Commission asked if there had been any complaints from anyone near the previous location where the businesses was located. Mr. Stephens said he was not aware of any complaints.

OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION MEETING
JUNE 9, 2015
PAGE 3

Chairman Beecher then called Mr. Dave Sparks to come forward to discuss the two businesses with the Planning Commission. Mr. Sparks said he had a few concerns regarding some of the conditions that had been placed on the B&W business. Mr. Sparks noted that they had been offered a television deal with the Discovery Channel and they would film the activities of their business anywhere from 6-10 weeks at the new location depending on the popularity of the TV program. Mr. Sparks went on to say that this will be a high profile program for them and they are trying to get the new site for the business and surrounding area cleaned, organized, and in shape for the filming as well as for the running of the business. He said he had concerns over how the conditions were stated and how items would be stored. He said they had purchased the property and the building which were very old and in very bad condition. He said they had been working on upgrading things and had invested a lot of money so far to make sure the building and property were in good condition. He said they had already hauled off a lot of junk and old cars that had been there for many years. He said he really wanted to make things nice and make improvements to the property.

Mr. Sparks said he had some concerns over how parts would be stored and that if some of the things involved in the business could be hazardous to the workers inside the building, like having gas cans stored within the building and being near mechanics working. He said he would like to propose putting in a high profile privacy fence to block any storage within the compound from view. He said he wants to adhere to a higher standard and have his business in good order.

The Commission discussed with Mr. Sparks how the business would operate. Mr. Sparks said he would be working on building trucks that would be outside but would be turned over in about 60 days. He said he had another storage yard for some of his trucks so they would not all stay at the proposed location long term. The Commission asked if Mr. Sparks was going to have a parts yard and Mr. Sparks said "no", that he would just be working on rebuilding the trucks. Mr. Sparks said he would like to put in a 9 foot steel fence that would match the building and in doing so it would block everything from view.

Mr. Stephens then pointed out that the AP Airport zone does not allow outside storage so any outside storage could not be considered as per the city ordinance. He did say that there were quite a few properties in that area that had grandfathered outside storage but that if properties were non-conforming and any changes were to happen on the property a new site plan would have to be considered which then requires the property be brought up to standard per city ordinance. Mr. Stephens went on to say that the City Council did have the power to consider a change to a non-conforming use after a public hearing and after a close review by the City Council.

The consensus of the Commission was they were in favor of the changes being proposed by Mr. Sparks because of the improvements he was proposing to make but that he would have to go through the process of a non-conforming use appeal and review by the City Council along with a public hearing and a site plan amendment so the changes could be shown on the site plan.

OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION MEETING
JUNE 9, 2015
PAGE 4

Mr. Sparks said he had some Jersey fencing going in for privacy and security at the present time and would like to turn it into permanent fencing and he really wanted to upgrade the facility so it was in good condition and would appear as a nice business.

Chairman Beecher suggested the Commission take action on the Dieselsellerz conditional use at this time and then consider the B&W Auto Sales conditional use after this action.

Commissioner Sharp then made a motion to approve the conditional use permit for Dieselsellerz and Mr. Dave Sparks with the following conditions:

1. At no time shall the applicant's operation negatively impact adjacent properties.
2. Applicant's operation shall be in compliance at all times with any government agency having jurisdiction over the applicant's business operation.
3. Applicant shall submit a copy of a South Davis Metro Fire approval prior to the issuance of a business license.

Commissioner Page seconded the motion and the motion carried.

Further discussion on the B&W Auto sales business concluded that in order to issue a conditional use permit the property needs to be in compliance with the AP Airport Zone. It was noted that the staff would be doing some research as to whether the property was grandfathered or not. It was also noted that Mr. Sparks could continue on with the process of getting a new site plan for review and can go through the review process for non-conforming use changes with the City Council and a public hearing to see if they eligible for consideration by the City Council for the changes they would like to make to their property.

Commissioner Terry then made a motion to table this item until further site plans can be made and reviewed with Council Member Page seconding the motion and the motion carried.

GENERAL AND PENDING

Mr. Stephens said there had been a request for an amendment to the A-1 Agricultural zone for someone who wants to build a home within that zone. He said the home builders would like to see the front yard setbacks changed from 30 feet to 25 feet to be able to build the home.

He also said there was a telecommunication company wanting to install micro antennas within the city limits in residential zones which are not permitted right now. They would be small canisters and they would be installed on the tops of roofs or on light posts, and they would be coming before the Commission for consideration.

Mr. Stephens also said Supplylink had purchased more property and would like to expand their business and would be coming in for consideration as well.

**OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION MEETING
JUNE 9, 2015
PAGE 5**

The last item was regarding chickens within a residential zone. There had been a resident who had been complaining about his neighbor having roosters at his home that were noisy. The owner of the chickens and roosters had come before the Commission and said he would remove the roosters but had not done so at present. Mr. Stephens said he had spoken with the resident who owns the chickens and roosters and he said he was going to remove all of the roosters as well as all of the chickens to take care of the problem.

ADJOURNMENT

There being no further business before the Commission, Commissioner Bradford made a motion to adjourn the meeting at 7:28 P.M.

Leo Beecher, Chairman

Bonnie S. Craig, Secretary